



RULING FOLLOWING THE SECOND MODULE 6 PRELIMINARY HEARING ON 5 FEBRUARY 2025

Background

1. On 5 February 2025 I held the second Preliminary Hearing in Module 6.
2. I am very grateful to those Core Participants who made oral and written submissions which I have considered with care. I direct that the written submissions be published on the Inquiry's website.
3. In this ruling I set out my decisions on those issues I consider require determination.

Expert Evidence

4. In addition to the experts already instructed in Module 6, a number of Core Participants submitted that the Inquiry should consider instructing further experts on the following topics:
 - a. the structure and capacity of the adult social care sector across the United Kingdom.
 - b. the impact of racism, ageism and sexism as it relates to the adult social care sector and, in particular, on the unequal impact of the pandemic on female carers.
 - c. the impact of the pandemic on people with physical impairments, sensory impairments and multiple or complex needs.
5. I am satisfied that the Inquiry can obtain the necessary evidence to gain an understanding of the structure and capacity of the adult social care sector across the United Kingdom through the Rule 9 responses of a number of corporate witnesses and also from evidence provided by the King's Fund, the Nuffield Trust and the Social Care Institute for Excellence.
6. I am not persuaded that there is any reason for me to depart from my determination following the First Module 6 Preliminary Hearing on 19 March 2024 and accordingly consider that there is no need for the Inquiry to instruct an expert to address racism, ageism and sexism in this Module.
7. I also do not consider it necessary to obtain specific expert evidence on the impact of the pandemic on female carers. I am satisfied that any unequal impact on female

carers can be explored adequately in the evidence obtained by this Module and the Inquiry's earlier Modules without the need for further expert evidence.

8. Given the Inquiry's Terms of Reference and this Module's Scope, it has been necessary to take a proportionate approach to the areas and topics where I require expert evidence. In my view, it is not practical to obtain expert evidence on every condition which affects those receiving adult social care. I am satisfied that the expert evidence obtained to date covers a breadth of experiences about the impact of the pandemic such that I have decided not to seek expert evidence on the impact of the pandemic on people with physical impairments, sensory impairments and multiple or complex needs.
9. I bear in mind the requirement set out in Section 17(3) of the Inquiries Act 2005 for me both to act with fairness and to avoid unnecessary cost. Accordingly, I do not consider it necessary to commission further expert evidence. This is a matter which I will continue to keep under review as Module 6 receives finalised reports in the areas in which experts have been instructed and further Rule 9 witness statements.

Rule 9 Requests

10. I am grateful for the helpful submissions received relating both to suggestions for additional Rule 9 requests and the Inquiry's proposal to gather 'on the ground' evidence from residential care and nursing homes. I will consider these submissions carefully and will ask the Module Lead Solicitor to keep Core Participants informed of any additional Rule 9 requests or clarification that is necessary through their monthly Update Notes.
11. John's Campaign, Care Rights UK and the Patients Association and Covid Bereaved Family for Justice Cymru submitted that Module 6 should send Rule 9 requests to Boris Johnson and Mark Drakeford respectively. Mr Johnson and Mr Drakeford have already provided lengthy statements to earlier Modules and have given evidence at previous hearings. The Module 6 legal team is reviewing this evidence and intends to disclose any relevant material to the Core Participants. Accordingly, I do not currently consider that it is reasonable, necessary or proportionate for Module 6 itself to seek further evidence from them.

Impact Evidence

12. In relation to impact evidence, I have already indicated that Module 6 will hear impact evidence from witnesses from the four Covid-19 bereaved groups - if logistically possible, I would like to hear evidence from these witnesses at both the start and end of the public hearing. In addition, I intend to hear evidence about the impact of the pandemic on carers (whether paid or unpaid) who provided care in care homes and/or provided domiciliary care and potentially also from individuals in receipt of adult social care.

Timetable / length of hearing

13. Some Core Participants submitted that the current five week public hearing would not allow sufficient time for me to examine the matters within the scope of Module 6 and that I should therefore extend the length of the hearing by some weeks. There are obvious logistical challenges in timetabling an Inquiry of this size. As I have said on several occasions, it is my intention to run this Inquiry in a manner which allows me to make prompt recommendations which can be implemented in a timely manner. It is also important that any recommendations made are based upon good quality evidence before memories begin to fade. Any amendment to the timetable would not only affect that aim as far as Module 6 is concerned, but would also have a ‘knock on’ effect on subsequent modules. Any extension would also impact the Core Participants and material providers working to separate deadlines in those modules. I am satisfied that five weeks will allow sufficient time for a focused and thorough oral examination of the issues set out in the draft List of Issues and the Provisional Outline of Scope. As with other modules, I intend to take into account a substantial body of written evidence as well as oral testimony in this module. Taking all these matters into consideration, I do not propose to extend the duration of the Module 6 public hearings that are scheduled to commence on 30 June 2025.

The Right Honourable Baroness Hallett

Chair of the Covid-19 UK Inquiry

12 February 2025